IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ADMIRALTY AND VICE ADMIRALTY JURISDICTION

Notice of Motion No. 2628 of 2005
In
Appeal No. 750 of 2005
In
Admiralty Suit No. 27 of 1999

Ignazio Messina & Co. .. Appellants
V/s.
Gitanjali Woollens Pvt. Ltd. & Ors. .. Respondents

WITH
Notice of Motion No. 2637 of 2005
In
Appeal No. 749 of 2005
In
Admiralty Suit No. 27 of 1999

Meridian Shipping Agency Pvt. Ltd. .. Appellants
V/s.
Gitanjali Woollens Pvt. Ltd. and Ors. .. Respondents

WITH
Notice of Motion No. 2645 of 2005
In
Appeal No. 747 of 2005
In
Admiralty Suit No. 27 of 1999

M.V. X-Press Annapurna & Anr. .. Appellants
V/s.
Gitanjali Woollens Pvt. Ltd. & Ors. .. Respondents

Mr. Sunip Sen with Mr. B. Saraf i/b. Mr. Ratnakar Singh for the Appellants

Mr. Pradeep Sancheti i/b. Mr. Prem Gidwani for the Respondent No. 1

Mr. Rahul Narichania with Mr. Kunal Shah i/b. M/s. Bhatt and Saldhana for the Respondent Nos. 2 and 4

Mr. Robin Jaisinghania i/b. Mr. Krishna Tanna for the Respondent No. 3

CORAM : DR. S. RADHAKRISHNAN &
S.C. DHARMADHIKARI, JJ.
DATED : 18.10.2005.

P.C.:-

1. Heard the learned counsel for the Appellants and

the Respondents. Perused the Affidavits in support of

the Notices of Motion and also the Affidavits in reply. For the reasons stated in the Affidavits in support of the Notices of Motion, Notices of Motion are made absolute in terms of prayer clause (a) in all the above three Notices of Motion, subject to the condition that in all the three Appeals, the Respondent No. 3 Meridian Shipping Agency Pvt. Ltd. shall furnish bank guarantee for the entire principal amount and interest @ 8% per annum with the Prothonotary and Senior Master, High Court, Bombay within a period of four weeks from today. Upon furnishing of such a Bank Guarantee, the Prothonotary and Senior Master, High Court, Bombay shall return back the Letter of Undertaking dated 17.4.1999 to the Appellants.

2. Printing and filing of paperbook dispensed with. In view of the important questions of law involved, hearing of the above Appeal is expedited. Place the Appeal on Board peremptorily for final hearing on 12.12.2005.

(DR. S. RADHAKRISHNAN, J.)

(S.C. DHARMADHIKARI, J.)